

## **REMARKS**

Claims 1 and 38-55 are pending in the Application. Claims 2-37 are canceled. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

### **Claim Status**

Claims 1-2 and 38-40 were held indefinite. The objected to language has been amended. Applicants respectfully submit that the claims meet the requirements of 35 U.S.C. § 112.

Claims 1 and 38-48 were rejected as anticipated by Heinrich (US 3,572,691). These claims have been amended to further distinguish from Heinrich. Applicants respectfully submit that Heinrich does not anticipate the claims.

Claims 2 and 49 were indicated as having allowable subject matter. Claims 1 and 48 have been respectively amended to include the subject matter of claims 2 and 49. Therefore, it is respectfully submitted that claims 1 and 48 are now allowable.

Claims 50-55 were allowed.

### **Heinrich does not anticipate the claims**

Applicants respectfully traverse the rejections. Heinrich is directed to withdrawing labels.

### **Claim 38**

Heinrich's finger (9) does not have a label engaging outer surface portion that is frictionally distinct from the remaining outer surface. In an exemplary form of the present invention the outermost surface portion of the movable member (146) has a high-friction sheet-

engaging surface (144). Claim 38 support may be found for example at specification page 20, lines 21-22.

#### **Claim 41**

Method claim 41 substantially corresponds to apparatus claim 38. Again, Heinrich does not teach distinct outer surface portions, with one having a higher friction surface than the other.

#### **Claim 43**

Heinrich's flexible finger (9) does not have a fixed curvature, especially a curvature that matches that of the roller (8) and is radially movable relative to the roller (8). In an exemplary form of the present invention the curvature of the arcuate segment (144) corresponds to the curvature of the outer surface (80) of the picking member. Support for claim 43 may be found for example at specification page 24, line 22 to page 25, line 1, and Figures 4 and 10.

#### **Claim 45**

The maximum outward movement of Heinrich's finger (9) is not dependent on a force on the end label (5'). Rather, maximum outward movement of the finger (9) is *always* reached during moving engagement, as evidenced in each of Heinrich's Figures 5-8.

In an exemplary form of the present invention the picking action provides increasing engaging force on an end note in response to the end note not moving. As can be appreciated, an exemplary arrangement enables the radial position of the segment (144) to be controlled as the picking member rotates due to engagement of a cam follower (166) with a cam surface (164) (e.g., specification page 21, lines 6-17). An end note may not move due to high surface tension (force). The exemplary arrangement enables an additional picking force to be automatically applied to overcome the force holding the end note. If the note does not move, then the segment

(144) extends even further outward radially in an attempt to move the note. The higher the force holding the note, the greater the radial extent of the segment (144). Thus, the outward radial movement of the segment (144) is dependent on the level of the holding force acting on the end note. Support for claim 45 may be found for example at specification page 4, lines 8-10; page 25, lines 11-16; and page 22, lines 12-20.

### **The Dependent Claims**

Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis. Each dependent claim additionally recites specific features and relationships that further patentably distinguish the claimed invention over the applied art.

### **Fees For Additional Claims**


Please charge the fees associated with the submission of three additional independent claims and any other fee due to Deposit Account 09-0428.

### **Conclusion**

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in the applied prior art. Furthermore, the applied prior art is devoid of any such teaching, suggestion, or motivation of features so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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